

Introduced by Senator Cedillo

February 27, 2009

An act to amend and repeal Section 653o of the Penal Code, relating to exotic animals.

LEGISLATIVE COUNSEL'S DIGEST

SB 753, as introduced, Cedillo. Exotic animals: kangaroos.

Existing law generally provides that it is a crime to import for commercial purposes, possess with intent to sell, or sell any part or product of the dead body of a kangaroo, subject to specified misdemeanor penalties for each violation. However, until January 1, 2011, exception is made for kangaroos that may be harvested lawfully under Australian national and state law, the federal Endangered Species Act of 1971, and applicable international conventions, under specified conditions.

This bill would make the prohibition against importation for commercial purposes inapplicable to the dead body of any kangaroo. It would delete the exception and the January 1, 2011, termination date.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 653o of the Penal Code, as amended by
- 2 Section 1 of Chapter 576 of the Statutes of 2007, is amended to
- 3 read:
- 4 653o. (a) It is unlawful to import into this state for commercial
- 5 purposes, to possess with intent to sell, or to sell within the state,
- 6 the dead body, or any part or product thereof, of any polar bear,

1 leopard, ocelot, tiger, cheetah, jaguar, sable antelope, wolf (*Canis*
2 *lupus*), zebra, whale, cobra, python, sea turtle, colobus monkey,
3 ~~kangaroo~~, vicuna, sea otter, free-roaming feral horse, dolphin or
4 porpoise (*Delphinidae*), Spanish lynx, or elephant.

5 (b) Commencing January 1, 2010, it shall be unlawful to import
6 into this state for commercial purposes, to possess with intent to
7 sell, or to sell within the state, the dead body, or any part or product
8 thereof, of any crocodile or alligator.

9 ~~(c) (1) This section shall not apply to kangaroos that may be~~
10 ~~harvested lawfully under Australian national and state law, the~~
11 ~~federal Endangered Species Act of 1971 (16 U.S.C. Sec. 1531 et~~
12 ~~seq.), and applicable international conventions, provided that the~~
13 ~~Department of Fish and Game is annually informed by the~~
14 ~~Australian government that the commercial harvest of kangaroos~~
15 ~~in any future year will not exceed the official quota established~~
16 ~~for 2007 or the lawful take of kangaroos in each subsequent year,~~
17 ~~whichever is the lesser.~~

18 ~~(2) If the department fails to receive the report described in~~
19 ~~paragraph (1), the department shall inform the Australian national~~
20 ~~government that future importation of kangaroos that otherwise~~
21 ~~may be harvested lawfully under Australian national and state law,~~
22 ~~the federal Endangered Species Act of 1971 (16 U.S.C. Sec. 1531~~
23 ~~et seq.), and applicable international conventions shall be halted~~
24 ~~and their importation into this state for commercial purposes,~~
25 ~~possession with intent to sell, or sale within the state will be subject~~
26 ~~to the provisions of this section.~~

27 ~~(d)~~

28 (c) Any person who violates any provision of this section is
29 guilty of a misdemeanor and shall be subject to a fine of not less
30 than one thousand dollars (\$1,000) and not to exceed five thousand
31 dollars (\$5,000) or imprisonment in the county jail not to exceed
32 six months, or both fine and imprisonment, for each violation.

33 (e)

34 (d) The prohibitions against importation for commercial
35 purposes, possession with intent to sell, and sale of the species
36 listed in this section are severable. A finding of the invalidity of
37 any one or more prohibitions shall not affect the validity of any
38 remaining prohibitions.

1 ~~(f) This section shall remain in effect only until January 1, 2011,~~
2 ~~and as of that date is repealed, unless a later enacted statute, that~~
3 ~~is enacted before January 1, 2011, deletes or extends that date.~~

4 SEC. 2. Section 653o of the Penal Code, as added by Section
5 2 of Chapter 576 of the Statutes of 2007, is repealed.

6 ~~653o. (a) It is unlawful to import into this state for commercial~~
7 ~~purposes, to possess with intent to sell, or to sell within the state,~~
8 ~~the dead body, or any part or product thereof, of any polar bear,~~
9 ~~leopard, ocelot, tiger, cheetah, jaguar, sable antelope, wolf (Canis~~
10 ~~lupus), zebra, whale, cobra, python, sea turtle, colobus monkey,~~
11 ~~kangaroo, vicuna, sea otter, free-roaming feral horse, dolphin or~~
12 ~~porpoise (Delphinidae), Spanish lynx, or elephant.~~

13 ~~(b) Commencing January 1, 2010, it shall be unlawful to import~~
14 ~~into this state for commercial purposes, to possess with intent to~~
15 ~~sell, or to sell within the state, the dead body, or any part or product~~
16 ~~thereof, of any crocodile or alligator.~~

17 ~~(c) Any person who violates any provision of this section is~~
18 ~~guilty of a misdemeanor and shall be subject to a fine of not less~~
19 ~~than one thousand dollars (\$1,000) and not to exceed five thousand~~
20 ~~dollars (\$5,000) or imprisonment in the county jail not to exceed~~
21 ~~six months, or both the fine and imprisonment, for each violation.~~

22 ~~(d) The prohibitions against importation for commercial~~
23 ~~purposes, possession with intent to sell, and sale of the species~~
24 ~~listed in this section are severable. A finding of the invalidity of~~
25 ~~any one or more prohibitions shall not affect the validity of any~~
26 ~~remaining prohibitions.~~

27 ~~(e) This section shall become operative on January 1, 2011.~~